

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NICHOLAS F. BELLEZZA,

Plaintiff

v.

TERENCE F. DUFFY, M.D.,

Defendant

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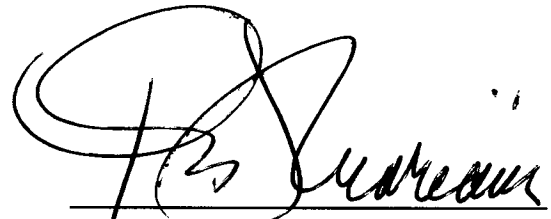
3:17-CV-1884
(JUDGE MARIANI)

ORDER

AND NOW, THIS 23rd DAY OF AUGUST, 2019, upon *de novo* review of Chief Magistrate Judge Schwab's Report and Recommendation ("R&R") (Doc. 35), IT IS
HEREBY ORDERED THAT:

1. The R&R (Doc. 35) is **ADOPTED** for the reasons set forth therein.
2. Defendant's Objections (Docs. 36, 27) are **OVERRULED**. Defendant Duffy objects only to the Magistrate Judge's recommendation that Plaintiff be granted leave to file a Second Amended Complaint. However, for the reasons explained by the Magistrate Judge, and in the interest of affording Plaintiff every reasonable opportunity to set forth a colorable claim, Plaintiff will be afforded another opportunity to cure the deficiencies identified in the R&R.
3. Defendant's Motion to Dismiss Plaintiff's Amended Complaint (Doc. 27) is **GRANTED**.

4. Plaintiff's Amended Complaint (Doc. 24) is **DISMISSED WITHOUT PREJUDICE**. As Plaintiff submitted a Second Amended Complaint on August 23, 2019, the Court deems the Second Amended Complaint (Doc. 40) to have been filed.
5. The case is **REMANDED** to Chief Magistrate Judge Schwab for further proceedings consistent with this Order.



Robert D. Mariani
United States District Judge